

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35797 of 2023

Arising Out of PS. Case No.-26 Year-2020 Thana- NADI P.S. District- Bhagalpur

SINTU YADAV @ SINTU PAHALWAN Son of Mahendra Yadav @ Mahendra Prasad Yadav Resident of Village - Naya Tola, Bhawanpura, P.S.- Kharik, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 12-02-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Nadi P.S. Case No. 26 of 2020 corresponding to S.T. No. 107 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 386 and 387 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others armed with lathi, danda and illegal weapon surrounded the informant and his nephew. It is alleged that petitioner alongwith co-accused Gauri Yadav are said to have assaulted the nephew of informant (Vipin Singh) by means of lathi upon his head as a result of which he sustained injury. It is further alleged that



petitioner and other are said to have made four round firing against the informant and other but fortunately informant and his nephew saved their life.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. He further submits that the injury inflicted upon the victim is simple in nature. Learned counsel orally submits that there is no intention to commit the offence of murder as no firing material has been recovered from the place of occurrence. He further submits that all the allegations against the petitioner are made only with an intention to make the offence graver. Moreover, on similar and identical allegation, co-accused Gauri Yadav @ Gaurav Yadav has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 77988 of 2023 and on the principle of parity, petitioner also deserves bail. Petitioner is in custody since 25.10.2021 and bears criminal antecedent of eleven cases. Petitioner has falsely been implicated in one case after another case in routine manner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that from the perusal of impugned order, it is clear that charge has also been framed



against the petitioner but the trial has not been concluded as yet and the delay of trial is not in any way attributable to the petitioner as he is in custody since 25.10.2021 which is more than two years and three months.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner keeping in view his series of criminal antecedent.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ist, Naugachia in connection with Nadi P.S. Case No. 26 of 2020, S.T. No. 107 of 2022 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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